

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MEADOWBROOK MEAT COMPANY, INC.,  
Plaintiff

V.

PHOENIX PARTNERS LP, PHOENIX PART-  
NERS CORP., JOSEPH DEL VALLE, ET AL.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 5979

JUDGE KRAM

TO: (Name and address of Defendant)

SEE ATTACHED SERVICE LIST

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALSTON & BIRD LLP  
90 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 25 2007

J. MICHAEL McMAHON  
CLERK

DATE

(By) DEPUTY CLERK

**Service List**

Phoenix Partners LP	590 Madison Avenue, 21st Floor, New York, New York 10021
Phoenix Partners Corp.	590 Madison Avenue, 21st Floor, New York, New York 10021
Joseph Del Valle	590 Madison Avenue, 21st Floor, New York, New York 10021
Michael Carstens	425 E. 58th Street, New York, New York 10022 590 Madison Avenue, 21st Floor, New York, New York 10021
Michael Growney	205 Foss Drive, Upper Nyack, New York 10960
Donna Del Valle	1839 Celeste Drive, Wall, New Jersey 07719
Vanquish Acquisition Partners, LLC	590 Madison Avenue, 21st Floor, New York, New York 10021
CDG Enterprises	590 Madison Avenue, 21st Floor, New York, New York 10021
Southeast Cruise Holdings, LLC	590 Madison Avenue, 21st Floor, New York, New York 10021

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**MEADOWBROOK MEAT COMPANY, INC.,**  
Plaintiff(s),

**JUDGE KRAM**  
Index No. 07 CIV. 5979

-against-  
**PHOENIX PARTNERS LP, PHOENIX PART-  
NERS CORP., JOSEPH DEL VALLE, ET AL.,**  
Defendant(s).

AFFIDAVIT OF SERVICE

-----X  
STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK )

**HOWARD D. GOLDMAN**, being duly sworn, deposes and says, that  
deponent is not a party to the action, is over 18 years of age and is employed by the  
attorney service, DLS, INC.

That on the 25<sup>th</sup> day of June 2007, at approximately the time of 7:45 a.m.,  
deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION,  
COMPLAINT JURY TRIAL DEMANDED, RULES FOR ATTORNEYS, INDIVIDUAL  
PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN, CRITICAL  
INSTRUCTIONS TO ATTORNEYS AND 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR  
FILING AN ELECTRONIC CASE OR APPEAL** upon Michael Carstens at 425 East 58<sup>th</sup>  
Street, New York, NY 10022. The concierge called up to Mr. Carstens' apartment.  
Informed Mr. Carstens he was being served with legal papers, Mr. Carstens said "I am  
not accepting anything." Deponent was refused access to post the papers. The  
concierge was served.

At that time, therefore, deponent served a true copy of the aforementioned  
papers upon Michael Carstens, by personally delivering and leaving the same with Jason  
"Doe"-(refused to give his last name), the concierge, a person of suitable age and  
discretion at that address, the actual place of residence. At the time of service,  
deponent asked if Michael Carstens is in active military service for the United States of

America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Jason "Doe" is a white male, approximately 30 years of age, stands approximately 5 feet 10 inches tall and weighs approximately 180 pounds with black hair and dark eyes.

That on the 26<sup>th</sup> day of June 2007, deponent enclosed a copy of same by first class mail post paid envelope properly addressed to Michael Carstens at 425 East 58<sup>th</sup> Street, New York, NY 10022, in an official depository under the exclusive care and custody of the U. S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

  
**HOWARD D. GOLDMAN #93219**

Sworn to before me this  
**27<sup>th</sup> day of June, 2007**

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 01R16109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 20 